



## **SUMMARY SHEET**

### **I. Description of Item**

Resolution requesting members of the Tennessee General Assembly to support legislation amending Tennessee Code Annotated, Title 67, Chapter 5, Section 2509(d) relative to conveying properties to adjoining property owners.

Land is one of the most important factors in local economic development today and must be managed well to improve existing land use practices, enhance livability of communities, and support local community development. Local municipalities must use their own resources to clean and maintain tax delinquent properties as part of their nuisance abatement responsibilities to protect the public health, safety, and welfare of its community. Shelby County currently owns small parcels of land that are non-buildable lots. There is currently no way to dispose of these non-buildable lots other than selling the property. Shelby County wishes to have the authority to gift non-buildable vacant lots to adjoining property owners.

### **II. Source and Amount of Funding**

Not applicable.

### **III. Contract Items**

Not applicable.

### **IV. Additional Information Relevant to Approval of this Item**

Text of proposed legislation is attached.

ITEM NO: \_\_\_\_\_

PREPARED BY: Kimbra Toney-Bernard

APPROVED BY: Christy L. Kinard  
Assistant County Attorney

**A RESOLUTION BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, REQUESTING THE MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY TO SUPPORT LEGISLATION AMENDING TENNESSEE CODE ANNOTATED, TITLE 67, CHAPTER 5, SECTION 2509(d) RELATIVE TO CONVEYING PROPERTIES TO ADJOINING PROPERTY OWNERS. SPONSORED BY COMMISSIONER HENRI BROOKS.**

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**WHEREAS**, Land is one of the most important factors in local economic development today and must be managed well to improve existing land use practices, enhance livability of communities, and support local community development; and

**WHEREAS**, When there are vacant and abandoned properties in communities, neighboring property owners and the municipalities incur significant costs; and

**WHEREAS**, Vacant properties drive down the surrounding property values, which lowers the property taxes that most municipalities rely on as a primary source of revenue; and

**WHEREAS**, local municipalities must use their own resources to clean and maintain tax delinquent properties as part of their nuisance abatement responsibilities to protect the public health, safety, and welfare of its community; and

**WHEREAS**, Shelby County currently owns small parcels of land that are non-buildable lots; and

**WHEREAS**, There is currently no way to dispose of these non-buildable lots other than selling the property; and

**WHEREAS**, Shelby County wishes to have the authority to gift non-buildable vacant lots to adjoining property owners; and

**WHEREAS**, the Board of County Commissioners of Shelby County, Tennessee, believes that it is appropriate that a resolution be passed requesting the Tennessee General Assembly to amend Tennessee Code Annotated, Title 67, Chapter 5, Section 2509(d) relative to conveying properties to adjoining property owners.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE**, that this Board, after careful consideration hereby requests the Shelby County Legislative Delegation and members of the Tennessee General Assembly to enact legislation amending Tennessee Code Annotated, Title 67, Chapter 5, Section 2509(d), a copy of which is attached hereto and made a part hereof, amending Tennessee Code Annotated, relative to conveying properties to adjoining property owners.

**BE IT FURTHER RESOLVED**, that the Shelby County Legislative Delegation and members of the Tennessee General Assembly be made aware of this request by copy of this resolution.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately, the public welfare requiring the same.

\_\_\_\_\_  
A C Wharton, Jr., County Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of County Commission

ADOPTED: \_\_\_\_\_





AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 5, Section 2509(d), relative to conveying properties to adjoining property owners.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

Section 1. Tennessee Code Annotated Section 67-5-2509(d) is hereby amended by adding the following as a newly designated subsection:

In any county having a population in excess of eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census, in lieu of the sale to private purchasers as provided in subsection (b), the proper officers of the municipality or county may convey properties with road frontage no greater than 24 feet acquired in tax sales to adjoining property owners upon establishing a Fair Market Value ("FMV"), based upon both value enhancing and value decreasing factors, after the adjoining property owner has made sufficient in-kind payments, including, but not limited to, (1) cutting, cleaning or improving the property; (2) accepting general liability for the premises; and (3) paying any necessary charges for the consolidation of the property with their adjoining lot. Said actual or in-kind payments shall be equal to the FMV established for the property.

Section 2. This Act shall take effect July 1, 2009, the public welfare requiring it.